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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,642	06/27/2001	Kenneth H. Abbott	890057-420C4	1958

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EXAMINER	
CLOUD, JOIYA M	

ART UNIT	PAPER NUMBER
2144	

NOTIFICATION DATE	DELIVERY MODE
03/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/894,642	ABBOTT ET AL.	
	Examiner	Art Unit	
	Joiya M. Cloud	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/18/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *66-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *66-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06/27/2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the communication filed on 12/18/2008. Claims 66-82 are pending in this application. Applicants arguments have been considered but are not persuasive.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 66-82** are rejected under 35 U.S.C. 102(e) as being anticipated by Carroll et al. **(US Patent No. 6,285,757).**

As per claim 66, Carroll teaches a method for a user characterization system executing remotely from a thin client wearable computer (Carroll , fig.1, remotely device 160, col.2, l.30-45, col.6, l.35-37) to provide information about a current state of a user of a thin client wearable computer, the user characterization system modeling the current state with multiple state attributes and including state server modules (SSMs) to supply values for the state attributes (Carroll,col.5, l.39-43, in which the sensors 170 provides information corresponds to state

attribute), state client modules (SCMs) to process values for the state attributes (Carroll, col.7, l.36-39, in which sensor 170 also process information on surrounding environment), and an intermediary module to facilitate exchange of state attribute values (Carroll, col.7, l.26-28, the interactive device corresponds to the intermediary module which can exchange the sensor information between inward and outward), the method comprising:

a. under control of each SSM, gathering information about the current state of the user, generating values for at least one of the state attributes based on the gathered information, and sending the generated values to the intermediary module (Carroll, col. 5, l.42-45, the sensor corresponds SSM sends the distance information and lens provides the enhance view).

b. under control of each SCM, receiving values for at least one state attribute from the intermediary module and performing processing based on the received values (Carroll, col.7, l.43-45, the interactive device can receive signal from GPS).

c. under control of the intermediary module (interactive device), facilitating exchange of values by, receiving the sent values for the state attributes from the SSMS (Carroll, col.5, l.43-44, interactive device receives the information from sensor); automatically modeling values of other state attributes based at least in part on the sent values of the state attributes; and sending at least some of the received state values and at least some of the modeled other state attribute values to the SCMs (Carroll, col. 5, l.40-42, and conjunction with the lens (one of SCMs) to provide the enhance viewing); and interacting with the thin client wearable computer in order to provide information about

the user or to receive information about the user, the interacting being based at least in part on the modeled other state attribute values, so that the remotely executing user characterization system can obtain and provide information about the current state of the user of the thin client wearable computer (Carroll, fig.3, interactive device can remotely communicates with component 150, 160, 170).

As per claim 67, Carroll further discloses the method of claim 66 wherein the thin client wearable computer includes an output device, and wherein the interacting with the thin client wearable computer includes sending information for presentation to the user on the output device (Carroll, col.3, l.23-25, the display interface corresponds to the output device).

As per claim 68, Carroll further discloses the method of claim 67 wherein the Information to be sent for presentation to the user is generated by the processing of one of the SCMs, and wherein the sending of the information for presentation to the user on the output device is performed on behalf of that SCM (Carroll, col.5, l.40-42, and conjunction with the lens (one of SCMs) to provide the enhance viewing).

As per claim 69, Carroll further discloses wherein the thin client wearable computer includes an input device, and wherein the interacting with the thin client wearable computer includes receiving information provided by the user via the input device (Carroll, col. 6, l.60-62, microphone corresponds to input device).

As per claim 70, Carroll further discloses wherein the gathering of the information about the current state of the user by one of the SSMs includes obtaining the received information provided by the user via the input device (Carroll,col.5, l.32-34, the voice recognition need input from microphone).

As per claim 71, Carroll further discloses the method of claim 66 wherein the user characterization system executes on a computer remote from the thin client wearable computer, wherein the thin client wearable computer lacks resources accessible to the remote computer, and wherein the interacting with the thin client wearable computer includes receiving a request to access at least one of the resources on behalf of the thin client wearable computer and accessing those resources in response (Carroll, col.8, l.31-34, the interactive communication corresponds to the accessing resource in response).

As per claim 72, Carroll further discloses the method of claim 71 wherein the at least one resources include processing capabilities of the remote computer,
wherein the accessing of those resources includes using the processing capabilities on behalf of the thin client wearable computer, and including sending an indication of results to the thin client wearable computer (Carroll, col.8, l.31-34 the interactive communication includes the sending an indication of result to the interactive device).

As per claim 73, Carroll further discloses the method of claim 71 wherein the at least one resources are storage capabilities of the remote computer, and wherein the accessing of those resources includes sending information stored on the storage capabilities to the thin client wearable computer (Carroll, fig.3, component 200).

As per claim 74, Carroll further discloses the method of claim 71 wherein the at least one resources are storage capabilities of the remote computer, and wherein the accessing of those resources includes storing information received from the thin client wearable computer on the storage capabilities (Carroll, fig. 3, component 200).

As per claim 75, Carroll further discloses the method of claim 71 wherein the remote computer has a sensor receiving information about the user of the thin client wearable computer, and wherein the gathering of the information about the current state of the user by at least one of the SSMs includes obtaining information from the sensor (Carroll, col.7, l.39-41).

As per claim 76, Carroll further discloses the method of claim 71 wherein the remote computer has an output device that is perceivable by the user of the thin client wearable computer, and wherein the performing of the processing based on the received values by at least one of the SCMs includes presenting information to the user on the output device. (Carroll, col.5, l.40-43)

As per claim 77, Carroll further discloses the method of claim 66 wherein the gathering of the information about the current state of the user by at least one of the SSMs includes obtaining information from at least one sensor that is part of the thin client wearable computer (Carroll, col. 7, l.35-38).

As per claim 78, Carroll further discloses the method of claim 66 wherein the performing of the processing based on the received values by at least one of the SCMs includes supplying information to at least one output device that is part of the thin client wearable computer (Carroll, col. 7, l.30-35).

As per claim 79, Carroll further discloses the method of claim 66 wherein the user characterization system further includes an additional module executing on the thin client wearable computer, and wherein the interacting with the thin client wearable computer includes interacting the additional executing module (Carroll, fig.3, component 180).

As per claim 80, Carroll further discloses the method of claim 66 wherein at least one of the SSMs executes on the thin client wearable computer and communicates with the intermediary module via wireless communication (Carroll, col.3, l.24-25).

As per claim 81, Carroll further discloses the method of claim 66 wherein at least one of the SCMs executes on the thin client wearable computer and communicates with the intermediary module via wireless communication (Carroll, col.3, l.39-45)

As per claim 82, Carroll further discloses the method of claim 66 wherein at least some of the SSMs are available to supply values for additional state attributes of a current state other than for the user, and wherein the intermediary module additionally sends values for the additional state attributes to SCMs (Carroll, col.5, l.10-14, col. 8, l.24-44, in which the interactive device can sends value either from sensor or computer and alerting alarms)

Response to Arguments

A.) Applicant argues that Carroll does not teach "the action of processing received information through an intermediary."

As to the above point A), Examiner respectfully submits that Carroll discloses in Figure 3, item 160, processing equipment uses the detected information from sensors, item 170 and functions as an intermediary module. The processing intermediary can also be located remotely. See col. 6, lines 27-30 and 35-37.

B.) Applicant argues that Carroll fails to teach "the modeling of context values."

As to the above point B), Examiner respectfully submits that where *modeling* has been interpreted as a demonstrative presenting [of context values], Carroll discloses such *modeling of context values* in the following: See where Carroll teaches an automatic zoom feature where based on detection of sharp movements by the sensors, the values determined are reflected and modeled through either a zoom in or zoom out. Examiner suggests clearly defining the steps of modeling of context values and amend the claim language as such to address the means by which the context values are modeled.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information As per the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144